

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL S. WORTHINGTON,)	
)	
Petitioner,)	
)	
v.)	No. 4:05-CV-1102(CAS)
)	CAPITAL HABEAS
DON ROPER,)	
)	
Respondent.)	

ORDER

This matter is before the Court on petitioner's motions for appointment of counsel [Doc. #1] and leave to proceed in forma pauperis [Doc. #2] filed on July 15, 2005.

Pursuant to 18 U.S.C. § 3006A(a)(2)(B), and 21 U.S.C. § 848(q)(4)(B), the Court will grant petitioner's motion for appointment of counsel. See also McFarland v. Scott, 512 U.S. 849, 854 (1994) (concluding that 'post conviction proceeding' within the meaning of 21 U.S.C. § 848(q)(4)(B) is commenced by the filing of a capital defendant's motion requesting the appointment of counsel for his federal habeas corpus proceeding). The Court further finds that the attorneys whom the Court will appoint either satisfies the requirements of § 848(q)(6) or have the background, knowledge, or experience that would enable them to represent the petitioner under § 848(q)(7). Finally, the Court will grant petitioner's motion for leave to proceed in forma pauperis.

In accordance with the foregoing,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel [Doc. #1] is **GRANTED**.

IT IS FURTHER ORDERED that Kent E. Gipson of the Public Interest Litigation Clinic, 305 East 63rd St., Kansas City, Missouri 64113, telephone number (816) 363-2795, and Gino Battisti of Foley and Mansfield, 1001 Highlands Plaza Drive West, Suite 400, St. Louis, Missouri 63110, telephone number (314) 645-7788, are hereby appointed as counsel for petitioner.

IT IS FURTHER ORDERED that the Clerk of Court shall provide appointed counsel with a copy of the complete Court file.

Dated this 2nd day of August, 2005.

A handwritten signature in cursive script, appearing to read "Charles G. Shaw", written in black ink.

UNITED STATES DISTRICT JUDGE